IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.R.P.PD. No.1067 of 2006
and
M.P.No.1 of 2006

-o-

S.P.Mylsamy Gounder ... Petitioner/Plaintiff

Versus

1.N.Sampath Kumar

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Anaimalai Town, Anaimalai,
Pollachi Taluk,
Coimbatore District.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Udumalpet,
Coimbatore District. ... Respondents/Defendants

Civil Revision Petition filed against the order and decreetal order of the District Munsif, Pollachi dated 28.02.2006 made in I.A.No.255 of 2006 in O.S.No.645 of 2005.

For Petitioner : Mr. T.P.Manoharan

ORDER

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This revision under Article 227 of the Constitution of India is directed against the order of the learned District Munsif, Pollachi dated 28.02.2006 made in I.A.No.255 of 2006 in O.S.No.645 of 2005.

2. It is not in dispute that at the instance of the first defendant-first respondent herein, Commissioner was appointed and in fact he submitted his report. The grievance of the petitioner herein-plaintiff is that the Commissioner ought to have taken the service of surveyor. First of all, the application for

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appointment of Commissioner was filed not by the petitioner but by the first respondent herein-first defendant. As said earlier, the Commissioner has also submitted his report with sketch. If the petitioner has any grievance, he is free to submit his objection and it is for the Court below to consider, if the same is permissible. I do not find any error or infirmity in the order impugned. This Revision fails and the same is dismissed. No costs. Consequently connected miscellaneous petition is closed.

gms

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The District Munsif,
Pollachi.

+ 1 cc to Mr. T. P. Manoharan, Advocate SR No. 38050

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NG(CO)
SR/8.9.2006

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